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(Original Signature of Member)

108TH CONGRESS
2D SESSION

H. R. _____

To secure the visa waiver program under section 217 of the Immigration
and Nationality Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. TURNER of Texas introduced the following bill; which was referred to the
Committee on _____

A BILL

To secure the visa waiver program under section 217 of
the Immigration and Nationality Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe, Efficient, Coordi-
5 nated, Unified, Revitalized, Enhanced Visa Waiver Act”.



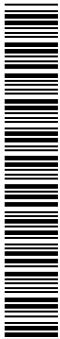
1 **SEC. 2. ELECTRONIC SUBMISSION OF BIOGRAPHICAL IN-**
2 **FORMATION BY VISA WAIVER PARTICIPANTS.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-
4 rity shall establish, as part of the integrated entry and
5 exit data system required under section 110 of the Illegal
6 Immigration Reform and Immigrant Responsibility Act of
7 1996 (8 U.S.C. 1365a), an electronic system through
8 which an alien seeking to enter the United States without
9 a visa under the visa waiver program described in section
10 217 of the Immigration and Nationality Act (8 U.S.C.
11 1187) is required to submit biographical information prior
12 to embarkation.

13 (b) ELEMENTS.—The electronic system required to
14 be established under subsection (a) shall satisfy the fol-
15 lowing requirements:

16 (1) ELECTRONIC DETERMINATION OF ELIGI-
17 BILITY.—The system shall include a method for an
18 electronic determination to be made, and an elec-
19 tronic response to be provided, in 30 minutes or less,
20 as to whether or not an alien submitting information
21 as described in subsection (a) is eligible to be admit-
22 ted to the United States as a nonimmigrant visitor
23 described in section 101(a)(15)(B) of the Immigra-
24 tion and Nationality Act (8 U.S.C. 1101(a)(15)(B)).

25 (2) CARRIER OBLIGATIONS.—The system shall
26 include a method for requiring—



1 (A) carriers and other corporations de-
2 scribed in section 217(a)(5) of such Act (8
3 U.S.C. 1187(a)(5)) to inquire electronically,
4 prior to an alien passenger's embarkation with-
5 out a visa, whether the alien has been deter-
6 mined, using the system described in this sec-
7 tion, to be eligible for such an admission; and

8 (B) the electronic response to such inquiry
9 to be provided in 90 seconds or less.

10 (3) DEPLOYMENT.—The system shall be de-
11 ployed as soon as possible after the date of the en-
12 actment of this Act.

13 (4) FEE.—The Secretary of Homeland Security
14 shall establish a fee to be charged to aliens described
15 in subsection (a) that is set at a level that will en-
16 sure the recovery of the full costs of establishing and
17 operating the system.

18 (c) CONSULTATION.—In developing the system, the
19 Secretary of Homeland Security shall consult with, and
20 allow for the system's review by, a private sector group
21 consisting of individuals with expertise in travel, tourism,
22 privacy, national security, or computer security issues.



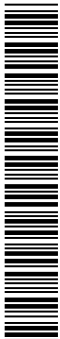
1 **SEC. 3. CHANGE TO REQUIREMENT FOR READERS AND**
2 **SCANNERS AT PORTS OF ENTRY.**

3 Section 303(b)(2)(A) of the Enhanced Border Secu-
4 rity and Visa Entry Reform Act (8 U.S.C. 1732(b)(2)(A))
5 is amended to read as follows:

6 “(A) IN GENERAL.—Not later than Octo-
7 ber 26, 2004, the Secretary of Homeland Secu-
8 rity, in consultation with the Secretary of State,
9 shall install at all ports of entry into the United
10 States equipment and software to allow biomet-
11 ric comparison and authentication of all United
12 States visas and other travel and entry docu-
13 ments issued to aliens. Not later than October
14 26, 2005, the Secretary of Homeland Security,
15 in consultation with the Secretary of State,
16 shall install at all ports of entry into the United
17 States equipment and software to allow biomet-
18 ric comparison and authentication of passports
19 issued pursuant to subsection (c)(1).”.

20 **SEC. 4. TECHNOLOGY STANDARD IMPLEMENTATION DEAD-**
21 **LINE.**

22 Section 303(c) of the Enhanced Border Security and
23 Visa Entry Reform Act (8 U.S.C. 1732(c)) is amended,
24 in each of paragraphs (1) and (2), by striking “2004,”
25 and inserting “2005,”.



1 **SEC. 5. LIMITED GOOD FAITH WAIVER.**

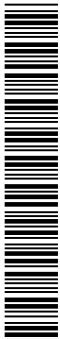
2 Section 303(c) of the Enhanced Border Security and
3 Visa Entry Reform Act (8 U.S.C. 1732(c)) is amended
4 by adding at the end the following:

5 “(3) LIMITED GOOD FAITH WAIVER.—

6 “(A) IN GENERAL.—The Secretary of
7 Homeland Security, in consultation with the
8 Secretary of State, may grant not more than 2
9 extensions for a country, and its nationals, of
10 the deadlines in paragraphs (1) and (2), respec-
11 tively, upon a determination that the country is
12 making substantial progress towards ensuring
13 that the passports the country issues to its na-
14 tionals satisfy the requirements of paragraph
15 (1). Each such extension shall be for a period
16 not exceeding 6 months.

17 “(B) FACTORS.—In determining whether a
18 country is making substantial progress under
19 subparagraph (A), the Secretary of Homeland
20 Security shall take into account the following
21 factors, which shall be certified by the Secretary
22 of State:

23 “(i) Whether the country has made a
24 good faith effort to satisfy the require-
25 ments of paragraph (1) not later than Oc-
26 tober 26, 2005.



1 “(ii) Whether the country has a pro-
2 gram designed to satisfy the requirements
3 of paragraph (1) not later than October
4 26, 2006.

5 “(iii) Whether the country has com-
6 menced a pilot program under which some
7 number of passports that satisfy the re-
8 quirements of paragraph (1) will be issued
9 before March 26, 2006.

10 “(4) REPORTS.—

11 “(A) INITIAL.—Not later than October 26,
12 2005, the Secretary of Homeland Security, in
13 consultation with the Secretary of State, shall
14 issue an initial report on the status of coun-
15 tries’ progress in meeting the requirements of
16 paragraph (1).

17 “(B) FINAL.—Not later than April 25,
18 2006, the Secretary of Homeland Security, in
19 consultation with the Secretary of State, shall
20 issue a final report on the status of countries’
21 progress in meeting the requirements of para-
22 graph (1).”.

23 **SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.**

24 Section 303 of the Enhanced Border Security and
25 Visa Entry Reform Act (8 U.S.C. 1732) is amended by



- 1 striking “Attorney General” each place that term appears
- 2 and inserting “Secretary of Homeland Security”.

